

AMENDED IN SENATE MAY 6, 2009

AMENDED IN SENATE MARCH 31, 2009

**SENATE BILL**

**No. 815**

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**Introduced by Senator Cogdill**

*(Coauthors: Senators Alquist, Benoit, Denham, Maldonado, Padilla,  
Romero, and Wyland)*

*(Coauthor: Assembly Member Adams)*

February 27, 2009

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An act to add *and repeal* Article 20.7 (commencing with Section 69999.10) ~~to~~ of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

SB 815, as amended, Cogdill. Student financial aid program: California National Guard Education Assistance Award Program.

Existing law establishes various student financial aid programs under the administration of the Student Aid Commission, and establishes eligibility requirements for the receipt of awards under those programs for participating students attending qualifying institutions.

Existing law establishes the Military Department, which includes the *California National Guard*, the State Military Reserve, and the Naval Militia, to perform various duties regarding the state militia.

This bill would, ~~contingent upon a specified appropriation for its purposes,~~ establish the California National Guard Education Assistance Award Program on behalf of qualifying members of the California National Guard, the State Military Reserve, and the Naval Militia under the administration of the commission. The bill would require the ~~Military Department~~ *Student Aid Commission*, in consultation with the ~~commission~~ *Military Department*, to adopt emergency rules and

regulations for the purpose of implementing the program. The bill would require the ~~Military Department~~ *Student Aid Commission* to report annually to the Legislature regarding program participation. The bill would require the Legislative Analyst, on or before January 1, ~~2015~~ 2016, to prepare and submit to the Legislature a report on the program. *The bill would provide that the program would become operative only if funds are appropriated for the purposes of the program. The program would become inoperative on July 1, 2019, and would be repealed on January 1, 2020.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 20.7 (commencing with Section 69999.10)  
2 is added to Chapter 2 of Part 42 of Division 5 of Title 3 of the  
3 Education Code, to read:

4  
5 Article 20.7. California National Guard Education Assistance  
6 Award Program

7  
8 69999.10. This article shall be known, and may be cited, as  
9 the California National Guard Education Assistance Award  
10 Program.

11 69999.12. There is hereby established the California National  
12 Guard Education Assistance Award Program.

13 69999.14. (a) The Legislature finds and declares all of the  
14 following:

15 (1) The California National Guard exists to provide a military  
16 organization in California with the capability to protect the lives  
17 and property of the people of the state during periods of natural  
18 disaster and civil disturbances, and to perform other functions  
19 required by the Military and Veterans Code or as directed by the  
20 Governor.

21 (2) The California National Guard performs an essential public  
22 purpose in protecting the health, safety, and property of California's  
23 citizens and, in order to fulfill its objectives, it is necessary for the  
24 California National Guard to have sufficient human resources to  
25 deal with natural or human-caused disasters and emergencies.

1 (3) An educational assistance award program for members of  
2 the California National Guard would enhance retention rates within  
3 the California National Guard. Similar educational assistance  
4 programs have been highly successful in other states and have  
5 resulted in substantially higher retention rates.

6 (b) (1) As citizen soldiers, members of the California National  
7 Guard represent California's labor force, ~~and which~~ is a diverse  
8 workforce comprised of skilled and talented workers from all  
9 regions of the state. Education assistance awards have the added  
10 benefit of improving the skills, competencies, and abilities of the  
11 servicemen and servicewomen in the California National Guard  
12 who make significant contributions to our economy and are a vital  
13 component of the civilian workforce. It is the intent of the  
14 Legislature that members of the California National Guard use  
15 this education assistance program to enhance the state's  
16 ~~highly skilled and highly trained~~ *highly skilled and highly trained*  
17 civilian labor force.

18 (2) It is the intent of the Legislature to ensure that the California  
19 National Guard has the ability to retain its most competent and  
20 capable members, both in the present and ~~into~~ *in* the future. The  
21 Legislature recognizes that every member of the California  
22 National Guard represents additional federal funding to the State  
23 of California annually. Increasing the strength of the California  
24 National Guard through higher retention rates would augment the  
25 total federal revenue to the state, leading to additional money  
26 flowing into the General Fund as tax revenue.

27 (c) It is, therefore, the intent of the Legislature that, in order to  
28 fulfill the public program of maintaining required strength in the  
29 California National Guard, an inducement be provided to members  
30 of the California National Guard by making education assistance  
31 awards available to California National Guard members seeking  
32 to improve themselves through higher education. It is the intent  
33 of the Legislature that these assistance awards be available to  
34 California National Guard members who serve the state faithfully.

35 69999.16. (a) Commencing January 1 of the 2009–10 academic  
36 year, and each academic year thereafter, any qualifying member  
37 of the California National Guard, the State Military Reserve, or  
38 the Naval Militia may apply for a California National Guard  
39 Education Assistance Award.

(b) A qualifying member shall meet all of the following conditions to be eligible to receive a California National Guard Education Assistance Award:

(1) The person is a resident within the meaning of Section 68017.

(2) The person is an active member of, and has served two years in, the California National Guard, the State Military Reserve, or the Naval Militia.

(3) The person has been accepted or registered at, or enrolled in, a qualifying institution, as defined in subdivision (l) of Section 69432.7.

(4) The person agrees to use the award to obtain a certificate, degree, or diploma that he or she does not hold at the time he or she applies for the award, and enrolls in at least three academic units per semester, or the equivalent thereof.

*(5) The person is not eligible for, or has no remaining, student financial aid or educational benefits pursuant to the federal Montgomery GI Bill (38 U.S.C. Sec. 3001 et seq.) or any other federal educational benefits program for veterans.*

*(6) The person has submitted the Free Application for Federal Student Aid (FAFSA) to the United States Department of Education.*

(c) Each person applying for a California National Guard Education Assistance Award shall submit an application for an award to the Adjutant General.

(d) The Adjutant General shall do all of the following:

(1) Annually identify the skills most needed by the California National Guard to retain members who possess, or seek to possess, those identified skills.

(2) Prioritize those applicants who qualify for an award pursuant to subdivision (b) based on the skills most needed by the California National Guard, as identified pursuant to paragraph (1).

(3) Select award recipients from among eligible applicants pursuant to subdivision (e).

(4) Certify the eligibility of applicants to the Student Aid Commission.

(5) Notify recipients of their selection for an award.

*(e) The Adjutant General shall select recipients who have been judged by the Adjutant General to have outstanding ability on the basis of criteria that may include, but shall not be limited to, any of the following:*

1     (1) *The Military Occupational Specialty Code or the Air Force*  
2 *Specialty Code.*

3     (2) *An annual noncommissioned officer evaluation report or*  
4 *officer evaluation report of the preceding two years.*

5     (3) *A memorandum from the applicant's commander*  
6 *recommending the applicant for the award.*

7     (4) *Commendations the applicant has received.*

8     (5) *An essay, written by the applicant, explaining why education*  
9 *is important to the applicant.*

10    ~~(e) The number of awards issued in any one year shall be limited~~  
11 ~~by the moneys approved by the Legislature in the annual Budget~~  
12 ~~Act.~~

13    ~~(f) The number of awards issued by the Student Aid Commission~~  
14 ~~in any fiscal year shall be limited to the number authorized in the~~  
15 ~~annual Budget Act for that year, but in no event shall exceed 1,000~~  
16 ~~in any fiscal year.~~

17    ~~(f)~~

18    (g) The Student Aid Commission shall issue the awards in  
19 accordance with Section 69999.18.

20    69999.18. (a) The Student Aid Commission is responsible for  
21 issuing awards authorized by Section 69999.16, upon receipt of a  
22 certificate from the Adjutant General verifying that the applicant  
23 meets the eligibility requirements of this article. The commission  
24 shall provide any information to the Military Department that is  
25 necessary to meet the reporting requirements of Section 69999.24.

26    (b) The amount of an award issued pursuant to this article shall  
27 ~~be five hundred dollars (\$500) for books and supplies, plus the~~  
28 ~~lesser of either of the following:~~

29    ~~(1) The maximum award for a Cal Grant A award, based on the~~  
30 ~~type of institution attended, pursuant to Section 66021.2, as~~  
31 ~~adjusted in the annual Budget Act.~~

32    ~~(2) The actual tuition and fees charged by the institution at which~~  
33 ~~the member is enrolled. be equal to either of the following:~~

34    ~~(1) For a recipient attending the University of California, the~~  
35 ~~California State University, or a nonpublic institution, the~~  
36 ~~maximum amount of the Cal Grant A award, pursuant to Section~~  
37 ~~66021.2, as adjusted in the annual Budget Act.~~

38    ~~(2) For a recipient attending a community college, the maximum~~  
39 ~~amount of the Cal Grant B award, pursuant to Section 66021.2,~~  
40 ~~as adjusted in the annual Budget Act.~~

(c) An award used for graduate studies shall not exceed the maximum amount of a Cal Grant A award, as specified in paragraph (1) of subdivision (b), plus five hundred dollars (\$500) for books and supplies.

(d) California National Guard Education Assistance Awards may be renewed for each new academic year, for a maximum of *five the greater of either (1) four* years of full-time equivalent enrollment, *or (2) the duration for which the qualifying member would otherwise be eligible pursuant to the Cal Grant Program (Chapter 1.7 (commencing with Section 69430))*, if the Adjutant General certifies the qualifying member's eligibility and the qualifying member maintains at least a 2.0 cumulative grade point average.

69999.20. Qualifying members shall not receive both a California National Guard Education Assistance Award and any Cal Grant Award for the same academic year. A qualifying member under this article who is also eligible for a Cal Grant Award may elect between an award under this article and any Cal Grant Award for the same academic year.

69999.22. ~~The Military Department~~ *Student Aid Commission*, in consultation with the ~~Student Aid Commission~~ *Military Department*, shall adopt emergency rules and regulations, pursuant to Section 11346.1 of the Government Code, for the purpose of administering this article. These rules and regulations shall include provisions that establish criteria for selecting award recipients, including priorities for allocating available money to applicants. ~~The Military Department~~ *Student Aid Commission* may solicit the advice of representatives from postsecondary educational institutions regarding any proposed rules and regulations.

69999.23. (a) Costs incurred by the Student Aid Commission for issuing and processing awards shall be reimbursed through an interagency agreement from appropriations in the annual Budget Act to the ~~Military Department~~ *Student Aid Commission* for purposes of this article.

(b) The Student Aid Commission may enter into contracts with a public agency or a private entity to improve the processing and distribution of awards through the use of electronic networks and unified databases.

69999.24. ~~The Military Department~~ *Student Aid Commission* shall report annually to the Legislature regarding program

1 participation, including, but not necessarily limited to, both of the  
2 following, as categorized on the basis of age, ethnicity, and gender:

3 (a) The total number of participants in the program established  
4 by this article.

5 (b) The number of participants who receive a California National  
6 Guard Education Assistance Award, classified by academic year.

7 69999.26. The Legislative Analyst shall, on or before January  
8 1, ~~2015~~ 2016, prepare and submit to the Legislature a report on  
9 the program established in this article. The report may include  
10 recommendations for modifying or extending this article.

11 69999.28. This article shall become operative only upon an  
12 ~~appropriation by the Legislature of three million six hundred~~  
13 ~~fifty-one thousand dollars (\$3,651,000) to the Military Department~~  
14 ~~that provides annual program costs for the implementation and~~  
15 ~~administration of this article and that may be expended only for~~  
16 ~~those purposes; appropriation by the Legislature for the purposes~~  
17 ~~of this article.~~

18 69999.30. *This article shall become inoperative on July 1,*  
19 *2019, and, as of January 1, 2020, is repealed, unless a later*  
20 *enacted statute, that becomes operative on or before January 1,*  
21 *2020, deletes or extends the dates on which it becomes inoperative*  
22 *and is repealed.*